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May 20, 2015

Hon. Steven Locke  
U.S. Magistrate Judge  
100 Federal Plaza  
Central Islip, NY 11722

RE: OCAMPO v PROFESSIONAL CLAIMS BUREAU, INC.  
14-CV-4983

Dear Judge Locke:

Please be advised that this office represents the defendant in the above captioned matter.

I will be present at the May 21<sup>st</sup> court conference, but I ask the Court to docket this letter in partial opposition to plaintiff's application to extend discovery. We do not consent to any extension of discovery. Plaintiff has begun work on his summary judgment motion and defendant intends to respond in a timely fashion.

Defendant is mystified by plaintiff's counsel's apparent inability to choose between filing a Rule 12c motion or, in the alternative, a Rule 56 summary judgment motion. Discovery ended on May 1, 2015 and has not been extended. Since discovery is now complete there is no reason to proceed with a Rule 12c motion, as the time is now appropriate to proceed under Rule 56. Plaintiff's counsel has apparently decided to do so by serving this office with his Rule 56.1 statement. Plaintiff's counsel should indicate, on the record, that he intends to proceed by way of Rule 56 and not by way of Rule 12.

Assuming that plaintiff's counsel does decide to proceed with his summary judgment motion, accompanied by plaintiff's affidavit, defendant will respond, in kind, with affidavits of its own. If plaintiff feels that more discovery is necessary at this point, he should not be proceeding with his Rule 56 motion. Defendant is unwilling to oppose plaintiff's motion while continuing to engage in additional discovery.

Thank you for your consideration.

Sincerely,

BARRON & NEWBURGER, P.C.

By: Arthur Sanders

as/ctw